

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

05 SEP 23 AM 11:27

CLERK'S OFFICE

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 5: Rio Gallina

Subfile GAL 10.1

MOTION FOR SUBSTITUTION OF PARTIES

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer ("State") and pursuant to Fed. R. Civ. Pro. 25(c) moves the Court to issue its order substituting VISTA, LTD. for defendant CHRIST IN THE DESERT MONASTERY in these proceedings in connection with Subfile GAL 10.1, and as grounds states as follows:

1. On April 11, 1997, the Court entered its Order (Doc. No. 5632) adjudicating the water rights of Christ in the Desert Monastery under Subfile GAL 10.1. These water rights, located on land west of the Rio Chama, are now owned by Vista, Ltd. (Robert D. Pearson). *See* OSE Change of Ownership of Water Right and Warranty Deed attached hereto as Exhibit A.

2. The State requests that the Court substitute Vista, Ltd. for Christ of the Desert Monastery in these proceedings in connection with Subfile GAL 10.1 in order to make a determination of the priority date of these rights, a matter reserved in the Order entered on April 11, 1997. The State also proposes to include these rights in Section 1 (Chama Mainstream) rather than Section 5 (Rio Gallina Section) as indicated in the Order entered on April 11, 1997.


8015

3. Christ in the Desert Monastery should remain a party defendant in these proceedings in connection with its land and water rights located east of the Rio Chama. These lands and water rights are located in Section 1.

4. Annie Laurie Coogan, counsel for Christ in the Desert Monastery, and Robert D. Pearson, president of Vista, Ltd., support the granting of this Motion.

WHEREFORE the State requests the Court to enter its order substituting Vista, Ltd. for defendant Christ in the Desert Monastery in these proceedings in connection with Subfile GAI. 10.1.

Respectfully submitted,


EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-7444

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion for Substitution of Parties was mailed to following persons on September 26, 2005.


Edward G. Neville

Vista, Ltd.
c/o Robert D. Pearson
255 Staab Street
Santa Fe, NM 87505

Annie Laurie Coogan
Coogan Law Offices
1520 Paseo de Peralta
Santa Fe, NM 87501-3793

RIO CHAMA SECTION 5 SERVICE LIST

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall, Data Manager.
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

Mary E. Humphrey, Esq.
P.O. Box 1574
El Prado, NM 87529-1574

Bradley S. Bridgewater, Esq.
David W. Gehlert, Esq.
USDOJ-ENRD
999 18th St., Suite 945
Denver, CO 80202

John W. Utton, Esq.
Sheehan, Sheehan & Stelzner PA
P.O. Box 271
Albuquerque, NM 87103-0271

Fred J. Waltz, Esq.
P.O. Box 6390
Taos, NM 87571-4010

Paula Garcia
NM Acequia Association
607 Cerrillos Road, Suite F
Santa Fe, NM 87505

NM Acequia Commission
Fred Vigil, Chairman
Depart. of Finance & Admin.
Local Government Division
Bataan Memorial Building
Santa Fe, NM 87503

NOTE = CONTACT JIM CORBIN
@ 466-4605 w/ANY
QUESTIONS, MAIL ALL
COMPLETED DOCUMENTS

File Number: 0975

TO: JIM CORBIN NEW MEXICO STATE ENGINEER OFFICE
8 DESCANSO RD CHANGE OF OWNERSHIP OF WATER RIGHT
SANTA FE NM 87505

1. OWNER OF RECORD

Name: CHRIST IN THE DESERT MONASTERY
Contact: ABBOT PHILIP LAWRENCE Work Phone: 470-5987
Address: MONASTERY OF CHRIST Home Phone: 470-5987
IN THE DESERT
City: ABERQUIVU State: NM Zip: 87510

NEW OWNER

Name: VISTA LTD.
Contact: ROBERT D. PEARSON Work Phone: 982-4411
Address: 255 STAAB STREET Home Phone: 982-4411
City: SANTA FE State: NM Zip: 87505

2. AMOUNT CONVEYED

State Engineer File Number: 0975
Subfile Number GAL 10.1 of Cause Number CIV 7941-SC
Owner of record has conveyed ALL of said right. RIO CHAMA
(all or part) ADJUDICATION
SUIT RIO GALLINA
SECTION
Consumptive Use: 40.05 acre-feet per annum
Diversion Amount: 80.01 acre-feet per annum
Other: N/A (units)

3. PURPOSE OF USE

Domestic: Livestock: Irrigation: X Municipal: Industrial:
Commercial: Other (specify):
Specific use:

4 PLACE OF USE

26.7 acres of land described as follows:

Subdivision of Section (District or Hydrographic Survey)	Section (Map No.)	Township (Tract No.)	Range	Acres	Priority
<u>TRACT GAL. 10.1 ON</u>	<u>25</u>	<u>25N</u>	<u>2E</u>	<u>26.7</u>	<u>TBD</u>
<u>MAP OF THE RIO</u>					
<u>CHAMA HYDROGRAPHIC</u>					
<u>SURVEY, RIO GALLINA</u>					
<u>SECTION, IN SW 1/4 OF</u>					
<u>SEC 25, T25N, R2E</u>					

OFFICE OF
STATE ENGINEER
SANTA FE, N.M.
99 AUG 16 PM 3 35

File Number: 0975
Trn Number:

File Number: 0975

**NEW MEXICO STATE ENGINEER OFFICE
CHANGE OF OWNERSHIP OF WATER RIGHT**

5. WELLS TO ACCOMPANY CONVEYED RIGHT

Well File No.	Subdivision	Section	Township	Range
<u>NO WELLS,</u>	<u>LAND OR APPURTENANCES ACCOMPANY</u>			
	<u>THE CONVEYED WATER RIGHT.</u>			

6. CONSENT TO LAWFUL CHANGE IN PLACE AND/OR PURPOSE OF USE

I, the above owner of record, hereby consent to a lawful change in the place and/or purpose of use of the above-described water right: (To be completed only if it is an irrigation water right and has been conveyed separate from the land to which it was appurtenant.)

Robert D. Pearson

ROBERT D. PEARSON
VISTA, LTD

Abbot Philip Lawrence

ABBOT PHILIP LAWRENCE
FOR: MONASTERY OF CHRIST
IN THE DESERT.

7. ADDITIONAL STATEMENTS OR EXPLANATIONS:

N/A

NOTE: WATER RIGHT IS BEING CONVEYED
SEPARATE FROM THE LAND. PLACE
AND TYPE OF USE REMAIN
THE SAME.

ACKNOWLEDGEMENT FOR NATURAL PERSONS

I, ROBERT D. PEARSON affirm that the foregoing statements are true to
(Please Print)

the best of my knowledge and belief, By: ROBERT D. PEARSON.

Signature

Signature

NOTARY

This instrument was acknowledged before me this 29 day of July.

A.D., 99, By ROBERT D. PEARSON
Name of Applicant

My commission expires 8-26-2002

Danna A. W. Gorman
Notary Public

File Number: 0975

Trn Number: _____

NEW MEXICO STATE ENGINEER OFFICE
CHANGE OF OWNERSHIP OF WATER RIGHT

ACKNOWLEDGMENT FOR CORPORATION

Signature of Officer

State of _____)

ss.

County of _____)

This instrument was acknowledged before me this _____ day of _____,

A.D., _____, By _____,
(Name of Officer) (Title of Officer)

of _____, a _____ corporation,
(Name of Corporation Acknowledging) (State of Corporation)

on behalf of said corporation.

My commission expires _____
Notary Public

ACTION OF STATE ENGINEER

This Change of Ownership form is hereby accepted for filing in accordance with Section 72-1-2.1, NMSA-1978 (1985 Repl. Pampl), as amended. The acceptance by the State Engineer Office does not constitute validation of the right conveyed.

SMWells

OFFICE OF
STATE ENGINEER
SAVED
99 AUG 16 PM 3:00

File Number: 0975

**NEW MEXICO STATE ENGINEER OFFICE
CHANGE OF OWNERSHIP OF WATER RIGHT**

CHANGE OF OWNERSHIP INSTRUCTIONS

- a. The "Owner of Record" of a water right is the current owner recorded in the State Engineer Office.
- b. This form shall be completed by the new owner and shall be accompanied by a warranty deed or other instrument of conveyance.
- c. A separate Change of Ownership of Water Right form shall be filed for each water right recorded in the State Engineer Office by either Permit, License, Declaration or Court Adjudication.
- d. This form shall be filed in triplicate (three) and must be accompanied by a \$2.00 filing fee. Each form must be signed and notarized.
- e. An original will be forwarded to the new owner with instructions to file it with the county clerk in the county in which the water right is located. Acceptance of the form for filing by the State Engineer does not constitute verification of the right conveyed.

LINE BY LINE INSTRUCTIONS

1. Name and address of new owner is required.
2. If for irrigation, "Diversion Amount" is the diversion at the farm (turnout) headgate. State Engineer file number is required.
3. State purpose of use of the existing water right of the owner of record.
4. A legal description of the land with the water right or place of use is required. If possible, a copy of the survey plat shall accompany this document.
5. If the ownership of a well is being changed, the State Engineer file number of the well is required.
6. If the water rights are being conveyed without the land a verification (signature) from the seller is required.

Assistance in completing this form is available, and filing of the form may be done, at the State Engineer Office in Santa Fe and the District Offices located as follows:

Santa Fe, Room 102, Sataan Memorial Building, P.O. Box 25102,
Santa Fe, NM 87504-5102, Phone # 505-827-6120

District 1, 3311 Candelaria, NE, Suite A,
Albuquerque, NM 87107, Phone # 505-841-9480

District 2, 1900 West Second Street,
Roswell, NM 88201, Phone # 505-622-6467

District 3, 216 South Silver, P.O. Box 844,
Deming, NM 88031, Phone # 505-545-3851

District 4, 133 Wyatt Drive, Suite 1,
Las Cruces, NM 88005, Phone # 505-324-6151

Astec Sub-Office, 112 South Mesa Verde,
Aztec, NM 87410, Phone # 505-334-9451

File Number: 0975

